

AMENDED IN ASSEMBLY MAY 4, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1881

Introduced by Assembly Member Laird

January 23, 2006

An act to amend Sections 65591.2, 65591.5, 65592, 65594, 65595, and 65599 of, ~~to add Section 65596.5 to,~~ and to repeal Section 65593 of, the Government Code, *and to add Article 4.5 (commencing with Section 535) to Chapter 8 of Division 1 of the Water Code*, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as amended, Laird. ~~Water Conservation in Landscaping Act~~ *conservation*.

(1) The Water Conservation in Landscaping Act requires the Department of Water Resources to appoint an advisory task force to work with the department to draft a model local water efficient landscape ordinance that local agencies may adopt, requires the task force to submit the ordinance to the department on or before May 1, 1991, and requires the task force to cease to exist on the date the department adopts the model ordinance or January 1, 1992, whichever occurs first. The act requires the department, not later than January 1, 1992, to adopt a model local water efficient landscape ordinance which each local agency may adopt. The act makes the model local water efficient landscape ordinance adopted by the department applicable within the jurisdiction of a local agency if that local agency, by January 1, 1993, has not adopted a water efficient

landscape ordinance or has not adopted certain findings that the adoption of the ordinance is unnecessary.

This bill would repeal provisions regarding the advisory task force. The bill would require the department, not later than January 1, 2009, and based on prescribed recommendations, to update the model local water efficient landscape ordinance and to include in the updated ordinance restrictions on overspray and runoff. The bill would make the updated ordinance applicable within the jurisdiction of a local agency, including a chartered city, if, by January 1, 2010, the local agency has not adopted a water efficient landscape ordinance that is at least as effective as the updated ordinance in conserving water. The bill would require each local agency, not later than January 31, 2010, to notify the department as to whether the local agency is subject to the department's model ordinance and, if not, to submit to the department a copy of the water efficient landscape ordinance adopted by the local agency. The bill would require the department, not later than January 31, 2011, to prepare and submit a report to the Legislature relating to the status of water efficient landscape ordinances adopted by local agencies.

~~The bill, on and after January 1, 2008, would require a public water system serving 300 or more service connections to install, or require the installation of, a separate water meter used exclusively to measure the volume of water delivered to any new irrigated landscaping area of 5,000 square feet or more for nonsingle family properties.~~

The bill would require a water purveyor, as defined, serving 300 or more service connections to require as a condition of new water service on and after January 1, 2008, the installation of a separate water meter to measure the volume of water used exclusively for landscape purposes. The bill would make this requirement applicable to service connections, other than single-family residential connections, that serve property with more than 5,000 square feet of irrigated landscape.

By imposing requirements on local agencies in connection with the adoption and enforcement of water efficient landscape ordinances, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65591.2 of the Government Code is
2 amended to read:

3 65591.2. The Legislature finds and declares all of the
4 following:

5 (a) The waters of the state are of limited supply and are subject
6 to ever increasing demands.

7 (b) The continuation of California's economic prosperity is
8 dependent on adequate supplies of water being available for
9 future uses.

10 (c) It is the policy of the state to promote the conservation and
11 efficient use of water and to prevent the waste of this valuable
12 resource.

13 (d) Landscapes are essential to the quality of life in California
14 by providing areas for active and passive recreation and as an
15 enhancement to the environment by cleaning air and water,
16 preventing erosion, offering fire protection, and replacing
17 ecosystems lost to development.

18 (e) Landscape design, installation, and maintenance can and
19 should be water efficient.

20 (f) Section 2 of Article X of the California Constitution
21 specifies that the right to use water is limited to the amount
22 reasonably required for the beneficial use to be served and the
23 right does not and shall not extend to waste or unreasonable use
24 or unreasonable method of use.

25 SEC. 2. Section 65591.5 of the Government Code is amended
26 to read:

27 65591.5. It is the intent of the Legislature that the Department
28 of Water Resources prepare and promote the use of a model
29 water efficient landscape ordinance that local agencies may
30 adopt.

1 SEC. 3. Section 65592 of the Government Code is amended
2 to read:

3 65592. Unless the context requires otherwise, the definitions
4 used in this section govern the construction of this article:

5 (a) "Department" means the Department of Water Resources.

6 (b) "Local agency" means any city, county, or city and county.
7 On and after January 1, 2010, "local agency" includes a chartered
8 city.

9 (c) "Water efficient landscape ordinance" means an ordinance
10 or resolution adopted by a local agency to address the efficient
11 use of water in landscaping.

12 SEC. 4. Section 65593 of the Government Code is repealed.

13 SEC. 5. Section 65594 of the Government Code is amended
14 to read:

15 65594. (a) The department shall adopt a model local water
16 efficient landscape ordinance which each local agency may
17 adopt.

18 (b) Not later than January 1, 2009, after holding a public
19 hearing, the department, based on recommendations set forth in
20 the report prepared pursuant to Chapter 682 of the Statutes of
21 2004, shall update the model local water efficient landscape
22 ordinance adopted pursuant to subdivision (a). The updated
23 ordinance shall include restrictions on overspray and runoff.

24 (c) In developing the model ordinance, the department shall
25 recognize and promote the benefits of consistent local ordinances
26 in areas having similar climatic, geological, or topographical
27 conditions.

28 (d) Not later than January 31, 2009, the department shall
29 distribute the updated model ordinance adopted pursuant to
30 subdivision (b) to all local agencies and other interested parties.

31 SEC. 6. Section 65595 of the Government Code is amended
32 to read:

33 65595. (a) Except as provided in subdivision (b), if by
34 January 1, 1993, a local agency has not adopted a water efficient
35 landscape ordinance or has not adopted findings based on
36 climatic, geological, or topographical conditions, or water
37 availability, which state that a water efficient landscape
38 ordinance is unnecessary, the model water efficient landscape
39 ordinance adopted by the department pursuant to subdivision (a)
40 of Section 65594 shall apply within the jurisdiction of the local

1 agency as of that date, shall be enforced by the local agency, and
2 shall have the same force and effect as if adopted by the local
3 agency.

4 (b) If, by January 1, 2010, a local agency has not adopted a
5 water efficient landscape ordinance that is, based on evidence in
6 the record, at least as effective as the updated model ordinance
7 adopted by the department pursuant to subdivision (b) of Section
8 65594 in conserving water, the updated model ordinance adopted
9 by the department pursuant to subdivision (b) of Section 65594
10 shall apply within the jurisdiction of the local agency as of that
11 date, shall be enforced by the local agency, and shall have the
12 same force and effect as if adopted by the local agency.

13 ~~SEC. 7. Section 65596.5 is added to the Government Code, to~~
14 ~~read:~~

15 ~~65596.5. On and after January 1, 2008, a public water system~~
16 ~~serving 300 or more service connections shall install, or require~~
17 ~~the installation of, a separate water meter used exclusively to~~
18 ~~measure the volume of water delivered to any new irrigated~~
19 ~~landscaping area of 5,000 square feet or more for nonsingle~~
20 ~~family properties.~~

21 ~~SEC. 8.~~

22 ~~SEC. 7.~~ Section 65599 of the Government Code is amended
23 to read:

24 65599. Not later than January 31, 2010, each local agency
25 shall notify the department as to whether the local agency is
26 subject to the department's model ordinance, and if not, shall
27 submit to the department a copy of the water efficient landscape
28 ordinance adopted by the local agency, including a copy of the
29 local agency's findings which state that its water efficient
30 landscape ordinance is at least as effective as the department's
31 model ordinance in conserving water. Not later than January 31,
32 2011, the department shall prepare and submit a report to the
33 Legislature summarizing the status of water efficient landscape
34 ordinances adopted by local agencies.

35 ~~SEC. 8. Article 4.5 (commencing with Section 535) is added~~
36 ~~to Chapter 8 of Division 1 of the Water Code, to read:~~

1 *Article 4.5. Irrigated Landscape*

2
3 535. (a) A water purveyor serving 300 or more service
4 connections shall require as a condition of new water service on
5 and after January 1, 2008, the installation of a separate water
6 meter to measure the volume of water used exclusively for
7 landscape purposes.

8 (b) Subdivision (a) does not apply to single-family residential
9 connections.

10 (c) Subdivision (a) applies only to service connections serving
11 property with more than 5,000 square feet of irrigated landscape.

12 SEC. 9. If the Commission on State Mandates determines
13 that this act contains costs mandated by the state, reimbursement
14 to local agencies and school districts for those costs shall be
15 made pursuant to Part 7 (commencing with Section 17500) of
16 Division 4 of Title 2 of the Government Code.